

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FERMIN CORTEZ, et al.,)	CASE NO. 8:08-CV00090
)	
Plaintiffs,)	
)	
vs.)	
)	
NEBRASKA BEEF, INC. and,)	
NEBRASKA BEEF, LTD.,)	
)	
Defendants.)	
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)	
DAVID CHUOL, et al.,)	CASE NO. 8:08-CV00099
)	
Plaintiffs,)	
)	
vs.)	
)	
NEBRASKA BEEF, LTD.,)	
)	
Defendant.)	

NEBRASKA BEEF'S LIST OF TRIAL EXHIBITS

PL.	NE BEEF	DESCRIPTION	OFF	OBJ	RCVD	NOT RCVD
		Blueprint of NE Beef Plant				
		Schematic Drawing of NE Beef Slaughter Division				
		Schematic Drawing of NE Beef Fabrication Division				
		Job Description Chart (D000018-D000026) (<i>Joy Deposition Ex. 3</i>)				
		Job Description and Payroll Code List (D000001-D000002) (<i>McElroy Depo Ex. 6</i>)				

PL.	NE BEEF	DESCRIPTION	OFF	OBJ	RCVD	NOT RCVD
		Document prepared by NE Beef documenting the various areas of the plant and the staffing, along with a list of equipment each area is required to wear while at work. (2 pages) (<i>Fernandez Depo Ex. 7</i>)				
		Employee Disciplinary Action Report dated 09-02-05 (1 page) (<i>Cortez Depo Ex. 1</i>)				
		Employee Attendance Report dated 09-02-05 (1 page) (<i>Cortez Depo Ex. 2</i>)				
		Employee Attendance Report dated 10-10-05 (1 page) (<i>Cortez Depo Ex. 3</i>)				
		Employee Disciplinary Action Report dated 05-10-06 (1 page) (<i>Cortez Depo Ex. 4</i>)				
		Employee Attendance Report dated 10-16-06 (1 page) (<i>Cortez Depo Ex. 6</i>)				
		Termination Report dated 12-05-06 (<i>Cortez Depo Ex. 7</i>)				
		Notice to Take Deposition of Fermin Cortez (3 pages) (<i>Cortez Depo Ex. 9</i>)				
		Transcript of Proceeding dated 10-16-09				
		Curriculum Vitae of David Marx, PhD.				
		Curriculum Vitae of Jeffrey E. Fernandez, PhD, PE, CPE.				
		Expert Report of Dr. Fernandez with attached Appendices A through G, 11-13-09				
		Portions of videotape taken by Kenneth Mericle or his associates on 12-17-08				

PL.	NE BEEF	DESCRIPTION	OFF	OBJ	RCVD	NOT RCVD
		Portions of videotape taken by Kenneth Mericle or his associates on 07-22-09				
		Portions of videotape taken by Dr. Fernandez or his associates on 09-15-09, 09-16-09 and 09-17-09				
		Portions of videotape taken by Dr. Fernandez or his associates on 10-20-09				
		NE Beef Gang Timesheets for December 17, 2008				
		NE Beef Payroll Worksheets for the Slaughter Division for the Week Ending December 20, 2008				
		NE Beef Payroll Worksheets for the Fabrication Division for the Week Ending December 20, 2008				
		NE Beef Check Register Report for the week of December 14, 2008 through December 20, 2008				
		NE Beef Payroll Register for the week of December 14, 2008 through December 20, 2008 (Check Date: 12/26/2008)				
		NE Beef Gang Timesheets for July 22, 2009				
		NE Beef Payroll Worksheets for the Slaughter Division for the Week Ending July 25, 2009				
		NE Beef Payroll Worksheets for the Fabrication Division for the Week Ending July 25, 2009				
		NE Beef Check Register Report for the week of July 19, 2009 through July 25, 2009				

PL.	NE BEEF	DESCRIPTION	OFF	OBJ	RCVD	NOT RCVD
		NE Beef Payroll Register for the week of July 19, 2009 through July 25, 2009 (Check Date: 07/31/2009)				
		NE Beef Gang Timesheets for September 15, 2009				
		NE Beef Gang Timesheets for September 16, 2009				
		NE Beef Gang Timesheets for September 17, 2009				
		NE Beef Payroll Worksheets for the Slaughter Division for the Week Ending September 19, 2009				
		NE Beef Payroll Worksheets for the Fabrication Division for the Week Ending September 19, 2009				
		NE Beef Check Register Report for the week of September 13, 2009 through September 19, 2009				
		NE Beef Payroll Register for the week of September 13, 2009 through September 19, 2009 (Check Date: 09/25/2009)				
		NE Beef Gang Timesheets for October 20, 2009				
		NE Beef Payroll Worksheets for the Slaughter Division for the Week Ending October 24, 2009				
		NE Beef Payroll Worksheets for the Fabrication Division for the Week Ending October 24, 2009				
		NE Beef Check Register Report for the week of October 18, 2009 through October 24, 2009				

PL.	NE BEEF	DESCRIPTION	OFF	OBJ	RCVD	NOT RCVD
		NE Beef Payroll Register for the week of October 18, 2009 through October 24, 2009 (Check Date: 10/30/2009)				
		Portions of Videotape of Slaughter Division taken on October 28, 2009				
		NE Beef Gang Timesheets for Slaughter Division dated October 28, 2009				
		NE Beef Slaughter Division Employee Memos re Changes in Start Time for Slaughter Division, 2004-present (e.g., "will start one hour earlier on 06/23/09")				
		NE Beef Fabrication Division Employee Memos re Changes in Start Time for Fabrication Division, 2004-present (e.g., "two hour late start on 06/18/08")				
		NE Beef Employee Personnel File for Plaintiff, Fermin Cortez				
		NE Beef Employee Personnel File for Plaintiff, Gregory Garcia				
		NE Beef Employee Personnel File for Plaintiff, Isaac E. Valencia				
		NE Beef Employee Personnel File for Plaintiff, Jorge Contreras				
		NE Beef Employee Personnel File for Plaintiff, Javier Moreno Lopez				
		NE Beef Employment Records for Plaintiff, Santos Perez				
		NE Beef Employee Personnel File for Plaintiff, Lorenzo Jimenez				
		NE Beef Employee Personnel File for Plaintiff, Terry Johnson				

PL.	NE BEEF	DESCRIPTION	OFF	OBJ	RCVD	NOT RCVD
		NE Beef Employee Personnel File for Plaintiff, David Chuol				
		Employee Equipment Cards for Plaintiff, Fermin Cortez				
		Employee Equipment Cards for Plaintiff, Gregory Garcia				
		Employee Equipment Cards for Plaintiff, Isaac E. Valencia				
		Employee Equipment Cards for Plaintiff, Jorge Contreras				
		Employee Equipment Cards for Plaintiff, Javier Moreno Lopez				
		Employee Equipment Cards for Plaintiff, Lorenzo Jimenez				
		Employee Equipment Cards for Plaintiff, Terry Johnson				
		Employee Equipment Cards for Plaintiff, David Chuol				
		Employee Equipment Tickets (Receipts) for Plaintiff, Fermin Cortez				
		Employee Equipment Tickets (Receipts) for Plaintiff, Gregory Garcia				
		Employee Equipment Tickets (Receipts) for Plaintiff, Isaac E. Valencia				
		Employee Equipment Tickets (Receipts) for Plaintiff, Jorge Contreras				
		Employee Equipment Tickets (Receipts) for Plaintiff, Javier Moreno Lopez				

PL.	NE BEEF	DESCRIPTION	OFF	OBJ	RCVD	NOT RCVD
		Employee Equipment Tickets (Receipts) for Plaintiff, Lorenzo Jimenez				
		Employee Equipment Tickets (Receipts) for Plaintiff, Terry Johnson				
		Employee Equipment Tickets (Receipts) for Plaintiff, David Chuol				
		NE Beef Personnel Files for Class Members not yet identified as witnesses for trial				
		Employee Equipment Cards for Class Members not yet identified as witnesses for trial				
		Employee Equipment Tickets for Class Members not yet identified as witnesses for trial				
		Samples of NE Beef Gang Timesheets, 2004-present				
		Samples of NE Beef Payroll Worksheets for Slaughter Division Employees, 2004-present				
		Samples of NE Beef Payroll Worksheets for Fabrication Division Employees, 2004-present				
		Samples of NE Beef Check Register Reports, 2004-present				
		Samples of NE Beef Payroll Registers for all Class Members, 2004-present				
		Chart Defining NE Beef Personal Protective Equipment Categories				
		Videotape Showing Beginning of Day and End of Day in Slaughter Division				

PL.	NE BEEF	DESCRIPTION	OFF	OBJ	RCVD	NOT RCVD
		Photographs of Slaughter Department (taken when plant was not in production)				
		Photographs of Fabrication Department (taken when plant was not in production)				
		Photographs of Pre-Fabrication Area (taken when plant was not in production)				
		Photographs of Pack Off Area (taken when plant was not in production)				
		Photographs of Cooler (taken when plant was not in production)				
		Video Clips of Slaughter Department (taken when plant was not in production)				
		Video Clips of Fabrication Department (taken when plant was not in production)				
		Video Clips of Pre-Fabrication Area (taken when plant was not in production)				
		Video Clips of Pack Off Area (taken when plant was not in production)				
		Video Clips of Cooler (taken when plant was not in production)				
		All exhibits necessary for impeachment or rebuttal.				
		It is possible that Defendants may also offer certain exhibits listed by Plaintiffs, subject to relevancy.				
EXHIBITS TO BE USED FOR DEMONSTRATIVE PURPOSES, ONLY						
		Samples of Personal Protective Equipment				

PL.	NE BEEF	DESCRIPTION	OFF	OBJ	RCVD	NOT RCVD
		Computer Animation of Slaughter and Fabrication Processes at NE Beef				
		Charts Demonstrating Median and Mean Values for Measured Activities				
		Still Photographs Extracted from Fernandez Videotapes				
		Charts Illustrating Timeline of Work Day for Slaughter Division – Hide On				
		Charts Illustrating Timeline of Work Day for Slaughter Division – Hide Off				
		Charts Illustrating Timeline of Work Day for Slaughter Division – Variety Meats				
		Charts Illustrating Timeline of Work Day for Pre Fabrication				
		Charts Illustrating Timeline of Work Day for Fabrication				
		Charts Illustrating Timeline of Work Day for Pack Off				

OBJECTIONS :

A: Authenticity

F: Foundation

H: Hearsay

P: Prejudicial

R: Relevancy

O: Other (specify)

NEBRASKA BEEF, INC., and NEBRASKA
BEEF, LTD., Defendants,

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that pursuant to the Court's Order of April 29, 2010 requiring parties to exchange lists of trial exhibits, I served the foregoing document upon the following counsel of record by e-mail on this 11th day of May, 2010:

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